

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

OP.No. 5478 of 2001(B)

PETITIONER:

1. K.V.NARAYANI, D/O.ANANDAN,
KATTIL HOUSE, KODIYERI AMSOM,
PUNNOL DESOM, THALASSERY.
2. K.V.RAJENDRA BABU, S/O. KRISHNAN,
--DO-- --DO--.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL
SRI.BINOY VASUDEVAN

RESPONDENTS:

1. THE TODDY WORKERS WELFARE FUND BOARD,
KANNUR REPRESENTED BY ITS INSPECTOR.
2. THE TAHSILDAR (RR), THALASSERY.

BY ADV. SRI.K.K.BABU
SMT.SMITHA SUKUMAR, GOVERNMENT PLEADER
SRI.RENIL ANTO, SC, KTWWF BOARD

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

O.P.NO. 5478/2001

ORDER ON CMP NO.9138/2001 IN O.P.NO. 5478/2001 &

ORDER ON CMP NO. 21543/2001 IN CMP NO.9138/2001 IN O.P.NO. 5478/2001

DISMISSED.

11/12/2007.

SD/-(C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE DECREE DATED 10/02/2000 IN OS NO.124/1997 RENDERED BY THE SUB COURT, THALASSERY.

P2 : COPY OF THE ORDER RENDERED BY THE ADDL. SUB COURT, THALASSERY DATED 19/12/2000 IN EP 150/2000.

P3 : COPY OF THE NOTICE OF SALE OF IMMOVABLE PROPERTY VIDE REF. NO.5/6/99-00 DATED 19/01/2001 ISSUED BY THE 2ND RESPONDENT TO THE 1ST PETITIONER.

P4 : --DO-- ISSUED TO THE 2ND PETITIONER.

P5 : COPY OF THE REPRESENTATION DATED 03/02/2001 SUBMITTED BY THE PETITIONERS BEFORE the 2ND RESPONDENT AGAINST EXTS.P3 & P4.

P6 : COPY OF THE RECEIPT NO.39 DATED 14/03/2001 ISSUED TO THE PETITIONERS FROM THE VILLAGE OFFICER, KODIYERI.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 5478 of 2001

Dated, this the 11th day of December, 2007

J U D G M E N T

Petitioners are challenging recovery proceedings for recovery of toddy workers welfare fund due for the year 1996-97. Learned standing counsel for the Toddy Workers Welfare Fund Board submitted that demand is for two toddy shops in Thalassery range, which was run by petitioners as co-licencees. However, it is stated in the petition that second petitioner has conducted the toddy shop in partnership with another person by name one Prakashan. The said Prakashan is not made as a respondent in the original petition. Since second petitioner is admittedly a partner, he is liable for the remittance of contribution. Therefore, challenge against recovery proceedings initiated against 2nd petitioner is not maintainable. If 2nd petitioner remits the arrears then, I see no reason why the recovery should be continued against 1st petitioner. If 1st petitioner has any claim that she is not connected with the business or liability, she can make a claim before the 2nd respondent for him to consider the same.

This original petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)